

## REMARKS

Claims 1-6 are pending in the present application.

Claim 1 has been amended. Support for the amendment is found in the specification at least at p. 5, lines 5-10 and p. 8, lines 7-8.

Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

### Objections to the Specification

The disclosure was objected to for informalities. In particular, Figures 1 and 2 contain nucleic acid sequences greater than 10 nucleotides in length that are not identified by the appropriate SEQ ID Nos.

A replacement sequence listing, in paper and computer readable form, are attached hereto. New sequences SEQ ID NOS: 26-27, the sequences in Figures 1-2, are now included in the replacement sequence listing.

Additionally, the specification is amended in "Brief Description of the Drawings" to refer to the appropriate SEQ ID NO. for each figure. No new matter is introduced by the amendment to the specification or in the replacement sequence listing as Figures 1 and 2 were present in the application as filed.

### Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-4 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by Emens et al. (PNAS (1992) 89(16): 7300-7304).

Claims 1-6 stand rejected under 35 U.S.C. § 102(e), as allegedly anticipated by Wang (US 2004/0181048 A1; filed August 8, 2001).

Applicants respectfully traverse these rejections.

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

Emens et al. disclose a nucleic acid encoding HNF1a expressed in a Hamster insulinoma cell line, rather than one expressed in a human cell line. Further, Emens et al. do not disclose that the nucleic acid is associated with MODY in humans. Thus, Applicants believe that

amended Claim 1 is not anticipated by Emens et al.

The Examiner stated that Wang teaches a nucleic acid fragment comprising more than 10 contiguous nucleotides of SEQ ID No: 3 and the polymorphic nucleotide T at position 29 and provided an alignment generated from SEQ ID No: 519026 of Wang on p.7, section 6, of the Office Action dated July 18, 2006. It appears from the alignment of SEQ ID No: 519026 of Wang with SEQ ID No: 3 that the Examiner used the reverse sequence of the SEQ ID No: 519026 to generate the alignment with SEQ ID No: 3. Since the reverse sequence of the SEQ ID No: 519026 was used in the alignment, then SEQ ID No: 519026 does not anticipate the polymorphic site of SEQ ID No: 3, having thymine at position 29 and comprising more than 10 contiguous nucleotides of SEQ ID No: 3.

Further, Wang et al. do not disclose that SEQ ID No: 519026 is associated with MODY in humans. Thus, Applicants believe that amended Claim 1 is not anticipated by Wang et al.

For at least the foregoing reasons, Applicants request reconsideration and withdrawal of the rejection of Claims 1-6 under 35 U.S.C § 102(b) or (e).

The foregoing is believed to be fully responsive to this office action.

If there are any charges with respect to this amendment, or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

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